

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BRENT GEORGE,

Plaintiff,

v.

**CITY OF PORTLAND, and PORTLAND
POLICE OFFICER DOES 1-10,**

Defendants.

Case No. 3:21-cv-1838-JR

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Jolie A. Russo issued Findings and Recommendation in this case on March 25, 2024. Judge Russo recommended that this Court grant Defendants' Motion for Summary Judgment as to Plaintiff's federal claims, and remand Plaintiff's state law claims to state court. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Russo’s Findings and Recommendation for clear error on the face of the record. The Court ADOPTS IN PART Judge Russo’s Findings and Recommendation (ECF 37). The Court GRANTS Defendants’ Motion for Summary Judgment (ECF 17) as to Plaintiff’s federal claims. The Court declines to exercise jurisdiction over Plaintiff’s state law claims and therefore DISMISSES those claims without prejudice.

IT IS SO ORDERED.

DATED this 18th day of April, 2024.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge